

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELBA LUZ DOMINGUEZ-PORTILLO,

Defendant.

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NO. EP:17-CR-02661-PRM

GOVERNMENT’S MOTION TO CONSOLIDATE

The Government hereby moves to consolidate the briefing in the following appeals: *United States v. Vasquez-Hernandez*, No. 3:17-CR-02660-PRM; *United States v. Dominguez-Portillo*, No. EP:17-CR-02261-PRM; *United States v. Claudino Lopez*, No. 3:17-CR-02662-PRM; *United States v. Yanes-Mancia*, No. 3:17-CR-02663-PRM; and *United States v. Zavala-Zavala*, No. 3:17-CR-02664-PRM.

The court may consolidate appeals where they present similar issues. *See Crow v. Ohio Cas. Ins. Co.*, 178 F.2d 404, 404 (5th Cir. 1950); *Gross v. GGNCS Southaven, L.L.C.*, 817 F.3d 169, 174 (5th Cir. 2016); *see also* Fed. R. App. P. 3(b)(2); *United States v. Berberena*, 694 F.3d 514, 517 n.1 (3d Cir. 2012).

The Defendants in these appeals were all convicted of violating 8 U.S.C. § 1325(a)(1) based on similar facts. The Defendants all moved to dismiss the charges against them in briefing that was consolidated by the Magistrate Court for the purposes of that motion. The Government anticipates that the Defendants will all raise similar—if not identical—issues on appeal related to their motion to dismiss. Consequently, consolidating the briefing in these appeals will conserve the resources of the Court and the parties by eliminating the need for redundant briefing.

Accordingly, the Government requests that the Court grant its motion and consolidate these appeals for the purpose of briefing and any such other purposes as the Court deems proper.

Counsel for the Government contacted counsel for the Defendants in order to determine his position on this motion, but had not heard back from him as of the time of this filing.

Respectfully submitted,

JOHN F. BASH
UNITED STATES ATTORNEY

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2018, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System, which will transmit notification of such filing to the following CM/ECF participant:

Sergio Garcia
Attorney for Defendant

/s/
DOUGLAS C. RENNIE
Special Assistant U.S. Attorney